

# **HOUTHİ ATTACKS IN RED SEA: LAWFULNESS OF INTERNATIONAL RESPONSE**

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# MAP OF YEMEN



# THE MIDDLE EAST



# Houthi Declare Intent to Attack



# THE TARGET? U.S., ALLIES

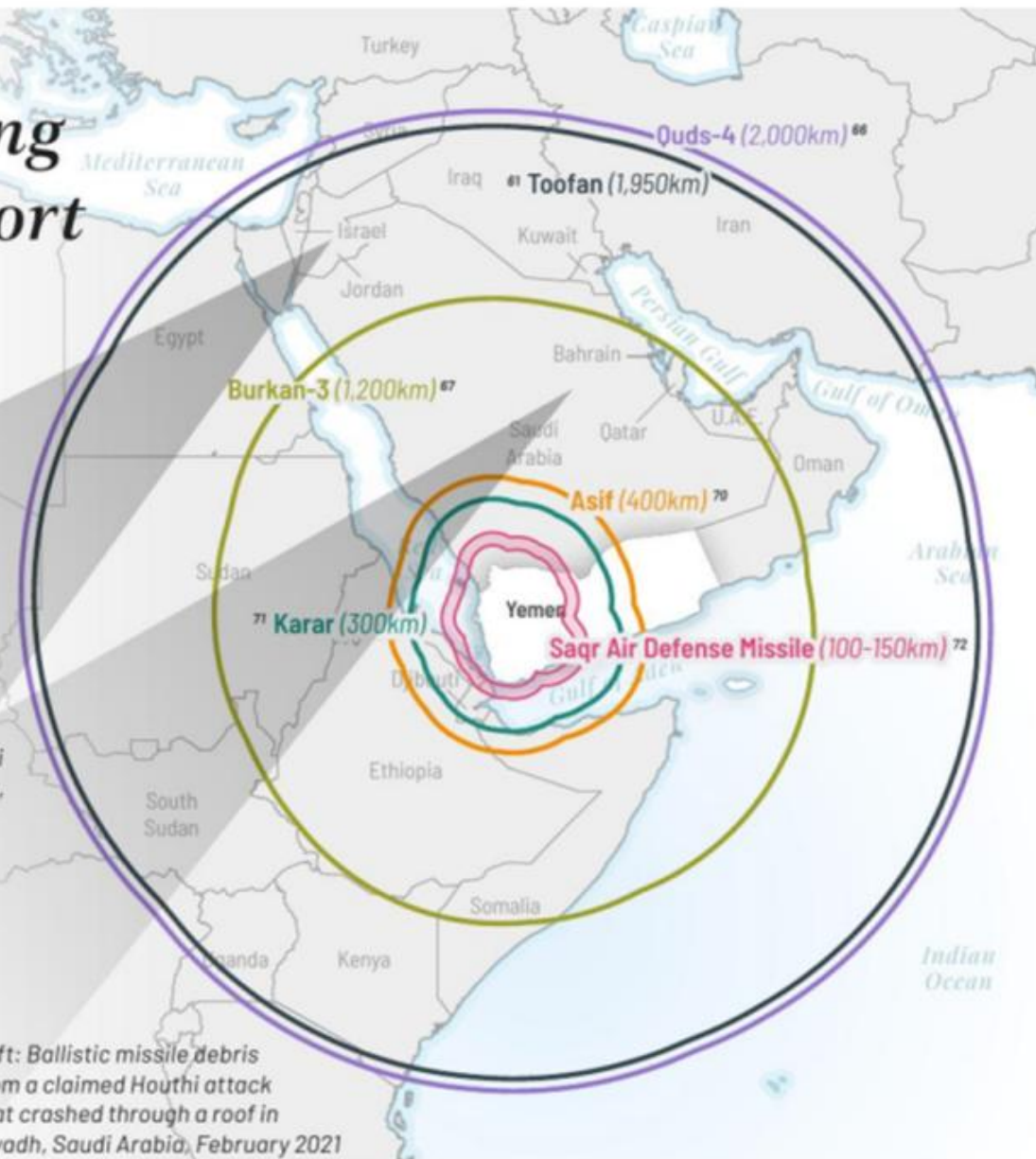


# HOUTH ARSENAL



# Houthi Missile Capabilities Growing From Iranian Support

Since at least 2015, Iran has provided the Houthis a diverse arsenal of short- and medium-range ballistic and cruise missiles, including antiship variants, enabling Houthi attacks against targets on land and at sea.<sup>62</sup> Iranian ballistic and cruise missiles allow the Houthis to attack targets at different vectors.



Left: Quds cruise missile debris from a claimed Houthi attack that landed in Jordan, October 2023<sup>63 64 65</sup>

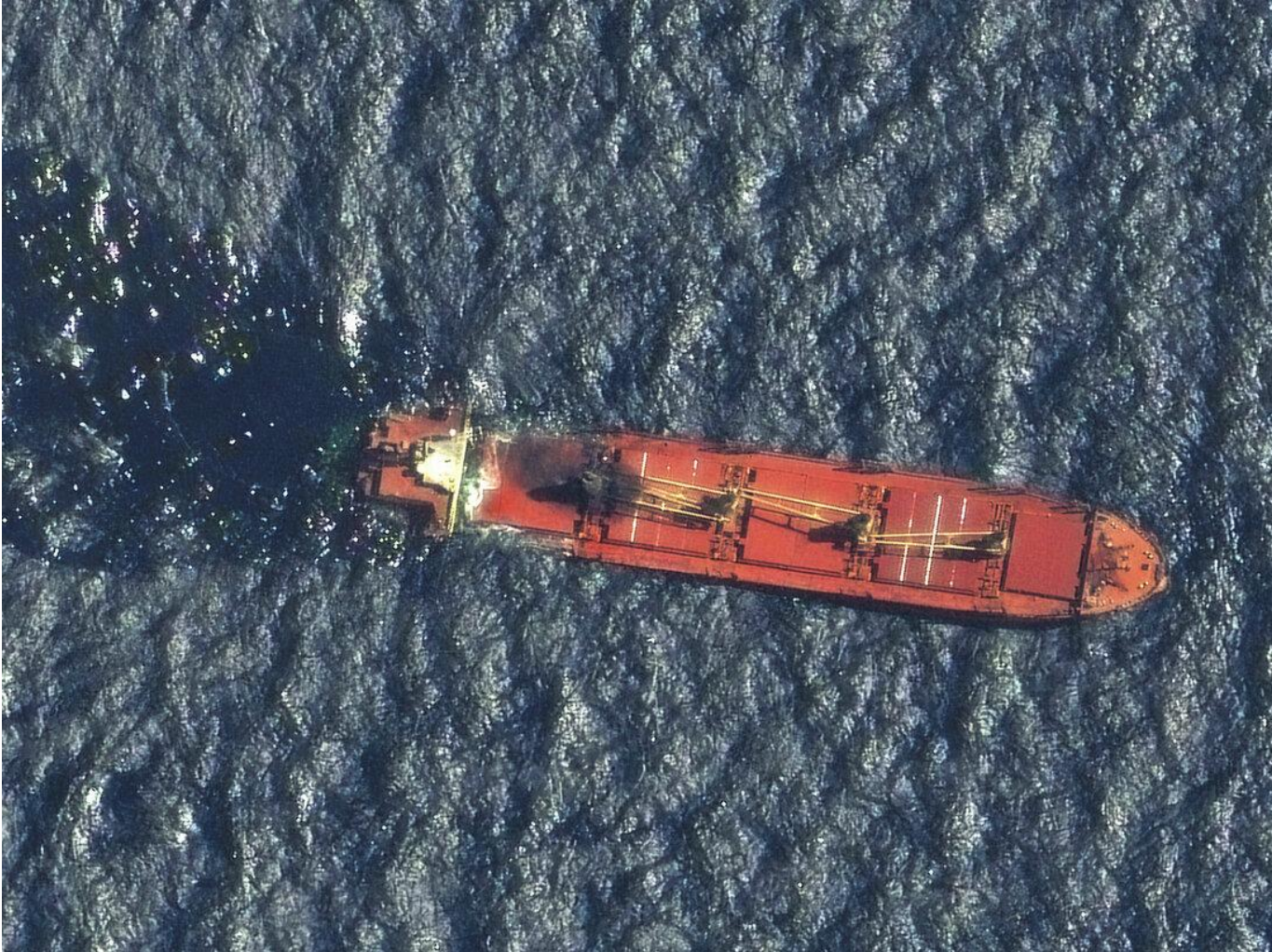


Source: X (Formerly Twitter)<sup>66</sup>



Left: Ballistic missile debris from a claimed Houthi attack that crashed through a roof in Riyadh, Saudi Arabia, February 2021

# BELIZE FLAGGED SHIP ATTACKED





# IT SINKS



# USS Dwight D. Eisenhower Steps in



# HOUTHJI MISSILE STRIKES ISRAEL



# U.S. CARRIER HEAD HOME AFTER TWICE EXTENDED DUTY JUNE 2024



# OCT., 2024 – ATTACK ON OIL TANKER LEAVES IT ON FIRE FOR WEEKS



الإعلام  
البحري  
اليمني

# WHY THIS MATTERS: 1 TRILLION IN TRADE PASSES THROUGH RED SEA PER YEAR



# INTRODUCTION

- The Problem:

- ❑ **Houthi attacks** at choke points of Bab-el-Mandeb/Gulf of Aden.
- ❑ **Iran aids/abets.**
- ❑ **\$1 trillion in goods/per year** move through Red Sea.
- ❑ **U.S-led Operation Guardian Prosperity**, but getting fatigued by the “most intense running sea battle since World War II.”

- Thesis/Object:

- ❑ Try to make an argument for an **enduring solution** to the threat posed to **freedom of navigation** and **maritime trade**.
- ❑ Explore **bases for international accountability** of Houthis as **non-state actors and their aiders/abettors** at **appropriate forums**.

# ARTICLE ORGANIZATION

- I. **Background** to Yemen Conflict
- II. Impact on **maritime trade**.
- III. Impact on **international peace and security**
- IV. International **accountability: Houthis/aider-abettors**.
- V. Recommendations and Conclusion



# HOUTHJI JUSTIFICATIONS

- **Collective self- defense** of Hamas/Palestine

# JUSTIFICATION - OPERATION PROSPERITY GUARDIAN

- To **protect international shipping.**
- **Individual/collective self-defense:** Art. 51 U.N Charter.
- **Vessel nationality:** flag-state: LOS, art. 92.
- International response has been **necessary** and **proportional.** *Nicaragua*, ¶194.

# U.S. B2 PRECISION STRIKES ON FIVE HARDENED UNDERGROUND WEAPONS STORAGE SITES



# UNITED NATIONS USE OF FORCE

- **Is it legal for the U.S. and allies to carry out those missions?**
- **UN-Security Council Deadlock:** Russia is with Iran and their proxies - The Houthis.
- Emerging UNSC practice: **Acquiescence ; Doctrine of Responsibility to Protect** – if a state is unwilling or unable.
- **Intervention by Invitation** - Yemen legitimate authorities
- **Self-Help:** Yemen can't control Houthis.

# BASIS FOR LIABILITY

- Suing Houthi actors for reparations likely inadequate.
- Iran Accountability: **Overall control**: Iran's support 'essential' to the Houthis' ability to commit an armed attack. Houthis are likely proxies of Iran--“**overall control**” over the Houthis, as an organized hierarchically structured non-state group.
- Overall control: **Not Effective Control(giving directions)**
  - The control required by international law may be deemed to exist when a State (or, in the context of an armed conflict, the Party to the conflict) has a role in organising, coordinating or planning the military actions of the military group, in addition to financing, training and equipping or providing operational support to that group. - *Prosecutor v. Tadić*, Case No. IT-94-1-A, ITCY, Appeals Judgment.

# BASIS FOR LIABILITY

- Iran is likely **substantially** involved as a **third state**. Aid need **not be essential**. *Nicaragua*, ¶ 195.
- LOS, Art. 18(**Innocent Passage** in territorial sea)
- LOS, Art. 87(**freedom of the High Seas**)
- Freedom of Navigation/High Seas part of **Customary International Law**:
  - Hugo Grotius, writing in 1633, said: “Now, in the legal phraseology of the **Law of Nations**, the sea is called indifferently the property of no one (res nullius), or a common possession (res communis), or public property (res publica).”
  - The definition of **general piracy** under **modern customary international law** is also Article 101 of LOS

# BASIS FOR LIABILITY

- Houthi actors/Iran could be liable for aiding and abetting maritime terrorism. Houthis claim that their actions are motivated by **ideological, political**, and self-defense reasons.
- *Corfu Channel* case on responsibilities of coastal states - suppress maritime terrorism.

# FORUMS

- **Tribunal on the Law of the Sea.** Iran signatory of LOS and obligated not to defeat its **object and purpose**. Vienna Convention on the Law of Treaties, Art. 18.
- **Universal Jurisdiction:** Houthis as proxies of Iran appear to support to Somali pirates. The crime of piracy is **punished universally** because it is an “offence against the law of nations...an offence against the universal law of society, a pirate being deemed an enemy of the human race,” *hostis humani generis* -- *United States v. Smith*.
- **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation** (“SUA”) obliges **states party to prosecute or extradite** suspects of maritime violence which includes “hijacking, attacking ships or committing other types of violence that endanger navigation.” SUA, Arts. 3-5.
- International Court of Justice, if arbitration fails. SUA, Art. 16



# The Research Continues...

- Thanks for coming.
- Thanks for your support.